**REMARKS**

Claims 1-15 stand rejected for obviousness under 35 U.S.C. § 103(a) as being unpatentable over Banerjee, *et al* (U.S. Publication No. 2003/0061094) (hereafter 'Banerjee') in view of Elson, *et al* (U.S. Publication No. 2003/0014521) (hereafter 'Elson'). As will be shown below, neither Banerjee nor Elson, either alone or in combination, teaches or suggests a method, system, or computer program product for control of collaborative devices as claimed in the present application. Claims 1-15 are therefore patentable and should be allowed. Applicants respectfully traverse each rejection individually and request reconsideration of claims 1-15.

**Claim Rejections – 35 U.S.C. § 103 Over Banerjee In View Of Elson**

Claims 1-15 stand rejected for obviousness under 35 U.S.C § 103(a) as unpatentable over Banerjee in view of Elson. The question of whether Applicants' claims are obvious *vel non* is examined in light of: (1) the scope and content of the prior art; (2) the differences between the claimed invention and the prior art; (3) the level of ordinary skill in the art; and (4) any relevant secondary considerations, including commercial success, long felt but unsolved needs, and failure of others. *KSR Int'l Co. v. Teleflex Inc.*, No. 04-1350, slip op. at 2 (U.S. April 30, 2007). Although Applicants recognize that such an inquiry is an expansive and flexible one, the Office Action must nevertheless demonstrate a prima facie case of obviousness to reject Applicants claims under for obviousness under 35 U.S.C § 103(a). *In re Khan*, 441 F.3d 977, 985-86 (Fed. Cir. 2006). To establish a prima facie case of obviousness, the proposed combination of the references must teach or suggest all of Applicants' claim limitations. *Manual of Patent Examining Procedure* § 2142 (citing *In re Royka*, 490 F.2d 981, 985, 180 USPQ 580, 583 (CCPA 1974)). As shown below in more detail, the proposed combination of Banerjee and Elson cannot establish a prima facie case of obviousness because the proposed combination does not teach each and every element of the claims of the present application, and there is no suggestion or motivation to make the proposed combination. As such, Applicants respectfully traverse each rejection individually.

Independent claim 1 of the present application claims:

1.  A method of control of collaborative devices, the method
    comprising the steps of:

    providing at least two collaborative devices, wherein each
    collaborative device comprises a client device and an embedded
    Java server;

    providing a registry service to which the collaborative devices are
    coupled for data communications;

    providing at least one registry table, wherein the registry table
    further comprises registry records, wherein the registry records
    comprise registry records representing capabilities of collaborative
    devices, wherein the registry records representing capabilities of
    collaborative devices further comprise data elements describing,
    for each collaborative device, capabilities, tertiary relationships,
    and network connectivities;

    providing a service bundle of OSGI-compliant Java servlets
    comprising at least one predetermined algorithm for controlling the
    collaborative devices; and

    controlling the collaborative devices in accordance with the
    predetermined algorithm.

**Elson Neither Discloses Nor Suggests Providing A Service Bundle Of OSGI-Compliant Java Servlets Comprising At Least One Predetermined Algorithm For Controlling The Collaborative Devices**

The Office Action takes the position that Elson at paragraphs 25-26, discloses the fourth element of claim 1: providing a service bundle of OSGI-compliant Java servlets comprising at least one predetermined algorithm for controlling the collaborative devices. Applicants respectfully note in response, however, that what Elson at paragraphs 25-26, in fact discloses is:

> [0025] FIG. 4A shows the OSGi architecture known in the art, including the Java platform architecture. While the OSGi standard specifies methods for delivery and management of applications on remote clients, the standard has many limitations. The standard specification relies on remote service management using servers that access the embedded clients over continuously maintained networks. However, since telematics embedded platforms may operate in an intermittently connected environment, local management of resources and security needs to be added.

> [0026] The OSGi standard specifies functionality for bundle installation into the Framework, service registration in a registry created by the Framework, distribution of service references to Bundles, distribution of references to other installed Bundles, publish/subscribe methods for Framework events broadcast, and service discovery, log service, and Hypertext Transfer Protocol (HTTP) service Bundles. FIG. 4B is a block diagram of a signed application bundle known in the art. The Bundle components include a Signature Block File (.SF signature and Public Key Certificate), Signature File (Hash entries of all JAR files below), Manifest File (Bundle specific information), and Application Files (Application classes).

That is, Elson at paragraphs 25-26, discloses a signed application bundle that includes a Signature Block File, Signature File, Manifest File, and Application Files. Elson's signed application bundle that includes a Signature Block File, Signature File, Manifest File, and Application Files does not disclose providing a service bundle of OSGI-compliant Java servlets comprising at least one predetermined algorithm for controlling the collaborative devices as claimed in the present application. Elson does not disclose a collaborative device as claimed in the present application. Elson's application bundle therefore cannot contain at least one predetermined algorithm for control such collaborative devices as

claimed in the present application. In fact, Elson's application bundle does not include any predetermined algorithm but instead only includes a Signature Block File, Signature File, Manifest File, and Application Files. That is, Elson's application bundle that includes a Signature Block File, Signature File, Manifest File, and Application Files does not disclose or suggest providing a service bundle of OSGI-compliant Java servlets comprising at least one predetermined algorithm for controlling the collaborative devices as claimed in the present application.

### Banerjee Neither Discloses Nor Suggests Controlling The Collaborative Devices In Accordance With The Predetermined Algorithm

The Office Action takes the position that Banerjee at Figure 10, discloses the fifth element of claim 1: controlling the collaborative devices in accordance with the predetermined algorithm. Applicants respectfully note in response, however, that what Banerjee at Figure 10, discloses is process flow and program function for allowing a user to discover available services and products within a micronetwork. Banerjee's process flow and program function for allowing a user to discover available services and products within a micronetwork does not disclose controlling the collaborative devices in accordance with the predetermined algorithm as claimed in the present application. Banerjee does not disclose, at this reference point or any where else, controlling any device in accordance with any algorithm. In fact, Banerjee does not even mention the terms "collaborative," "controlling," or "algorithm" as claimed in the present application. Banerjee therefore neither discloses nor suggests controlling the collaborative devices in accordance with the predetermined algorithm as claimed in the present application. The Office Action therefore cannot establish a prima facie case of obviousness. The rejections of claims 1-15 should be withdrawn, and the claims should be allowed.

### No Rational Underpinning To Combine Elson and Banerjee

In addition to the fact that the Office Action has not established a prima facie case of obviousness, there is a second reason that the rejections of claim 1-15 under 35 U.S.C. § 103 should be withdrawn: There is no rational underpinning to combine Elson and Banerjee. Merely demonstrating that each element of Applicants' claims are known in

the prior art does not prove that Applicants' claims are obvious. *KSR Int'l Co.*, slip op. at 14. The Office Action must articulate some rational underpinning for combining the references. *Id.* Moreover, this rationale must support combining the references to address the subject matter of the present application. *Id.* at 17. The Office Action at page 4 states its rationale for combining Elson and Banerjee as:

> It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Banerjee's function of open platform architecture. The modification would have been obvious because one of ordinary skill in the art would have been motivated to have open platform architecture per Elson's teaching to modify in connection with Java environment as per Banerjee's teaching.

That is, the Office Action asserts that one of ordinary skill in the art would have combined Elson and Banerjee because the teachings of Elson would have been beneficial to enhance the teachings of Banerjee. Applicants respectfully note that regardless of whether the teachings of Elson would have been beneficial to enhance the teachings of Banerjee, the Office Action has not provided any rational underpinning for why one of ordinary skill in the art would combine Elson and Banerjee *to address the subject matter of the present application*. That is, the Office Action has not provided any rational underpinning for why one of ordinary skill in the art would combine Elson and Banerjee to perform a method of control of collaborative devices as claimed in the present application. Moreover, the Office Action cannot possibly provide such rational underpinning for why one of ordinary skill in the art would combine Elson and Banerjee to perform a method of control of collaborative devices as claimed in the present application because, as explained in detail in this Response, the proposed combination of Elson and Banerjee does not teach the limitations of Applicants' claims. As such, the rejections of Applicants' claims should be withdrawn.

### Relations Among Claims

Independent claim 1 claims method aspects of controlling collaborative devices according to embodiments of the present invention. Independent claims 6 and 11 respectively claim system and computer program product aspects of controlling

collaborative devices according to embodiments of the present invention. Claim 1 is allowable for the reasons set forth above. Claims 6 and 11 are allowable because claim 1 is allowable. The rejections of claims 6 and 11 therefore should be withdrawn, and claims 6 and 11 should be allowed.

Claims 2-5, 7-10, and 12-15 depend respectively from independent claims 1, 6, and 11. Each dependent claim includes all of the limitations of the independent claim from which it depends. Because the combination of Elson and Banerjee does not disclose or suggest each and every element of the independent claims, so also the combination of Elson and Banerjee cannot possibly disclose or suggest each and every element of any dependent claim. The rejections of Claims 2-5, 7-10, and 12-15 therefore should be withdrawn, and these claims also should be allowed.
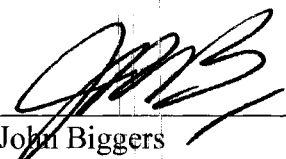
## Conclusion

Claims 1-15 stand rejected under 35 U.S.C. § 103 as obvious over Banerjee in view of Elson. The combination of Banerjee and Elson does not teach or suggest each and every element of Applicants' claims. Claims 1-15 are therefore patentable and should be allowed. Applicants respectfully request reconsideration of claims 1-15.

The Commissioner is hereby authorized to charge or credit Deposit Account No. 09-0447 for any fees required or overpaid.

Respectfully submitted,

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